

REMARKS

Claims 16-18 and 21-30 are pending. Claims 1-15 and 19-20 have been cancelled and claims 21-30 have been added. Claim 16 has been amended.

Affirmation of Election

Applicant elects, without traverse, to prosecute the invention of Group II, claims 16-18.

Rejections under 35 USC §112

The Examiner rejected claims 16-18 under 35 USC §112, first paragraph, for the use of the term “suspended”. Applicant has amended the claims with the term “dissolved”. Applicant now believes that the rejection is moot.

Rejections under 35 USC §103

The Examiner rejected claims 16-18 under 35 USC §103 as being unpatentable over Baugh et al. (U.S. Patent Number 6,656,919) in view of Brown (U.S. Patent Number 6,369,288) for claims 16 and 18. The Examiner rejected claim 17 as being unpatentable over Baugh in view of Roesler et al. (U.S. Patent Number 5,462,262). Applicant respectfully disagrees.

Baugh discloses a process for rendering bacterial endospores harmless and/or lifeless through a methodology of adding a germinating agent to the endospores, adding a germicidal agent and providing sublethal heat and/or adding a chemical activating agent (see claim 1 of Baugh). There is no teaching within Baugh or Brown that the system disclosed in Brown would be suitable within the process claimed in Baugh. With regard to the combination of Roesler with Baugh, there is no teaching in either Roesler or Baugh

of a microemulsion or that the solid acetyl peroxyborate compounds of Roesler would function within the process of Baugh, e.g., be compatible with a germinant.

Accordingly, Applicant requests reconsideration of claims 16-18, as amended herein, further consideration of claims 20-30, and allowance of claims 16-18 and 20-30. The Examiner is invited to contact the attorney listed below with any questions or other matters to advance prosecution of the present application.

Respectfully submitted,



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